

REMARKS

Claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22 and 24-30 remain pending in the present application. Claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22 and 24-30 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kanemitsu, et al. (U.S. Pat. No. 5,123,695). Claim 1 has been amended to define a structure mounted to a vehicle body of a vehicle where the structure comprises a heat exchanger, a first bracket attached to one side of the heat exchanger and a second bracket (separate from the first bracket) attached to a second side of the heat exchanger. The heat exchanger is mounted to the vehicle using the brackets and the heat exchanger with the brackets act as a reinforcing member for reinforcing the vehicle body.

With respect to the cited reference Kanemitsu, et al. (U.S. Pat. No. 5,123,695), the Examiner has stated that “a pair of right and left shroud panels 21” in Kanemitsu are equivalent to the pair of beam-like brackets in Claim 1 of the present invention. However, in Kanemitsu, the heat exchanger (condenser 24A, radiator 24B and intercooler 51) are not connected to the vehicle body through the pair of right and left shroud panels 21.

As described in column 4, lines 8 to 37 and shown in Figs. 3 to 6 of Kanemitsu, the pair of right and left shroud panels 21 are connected to a single upper shroud member 22 extending in the widthwise direction of the vehicle body. A pair of shroud

members 23 hang down from the upper shroud member 22, and a transverse support member 26 is connected to the lower end portions of the pair of shroud members 23 to create a rectangular opening.

The condenser 24A and radiator 24B are integrated with each other as a weight member 24, and the lower end portion of the weight member 24 is supported by mounting portions 26a of the support member 26 through rubber mount members 27. The upper end portion of the weight member 24 is attached to the upper shroud member 22 using brackets 28 disposed in the longitudinal direction of the vehicle body.

Further, as described in column 5, lines 3 to 8 of Kanemitsu, the upper part of the intercooler 51 is attached to the upper shroud member 22 using brackets 52 disposed in the longitudinal direction of the vehicle body, and the lower end portion thereof is supported by brackets (not shown) projecting from a bumper reinforcement.

In this way, since the heat exchanger 24 or 51 in Kanemitsu is attached to the single upper shroud member 22 using longitudinal brackets 28 or 52, and is disposed in a position shifted to the rear side or front side from the upper shroud member 22, the heat exchanger 24 or 51 does not function as a reinforcement member of the vehicle body.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 24-27 which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claims 29 and 30, these claims have been amended similar to Claim 1 and are thus believed to be allowable. Claim 28 depends from Claim 3 and is discussed below. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 3, 6, 9, 12, 15, 18 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanemitsu, et al. (U.S. Pat. No. 5,123,695) in view of Tokutake (U.S. Pat. No. 5,570,737). Claim 3 has been amended similar to Claim 1 and thus the arguments presented above in relation to Kanemitsu, et al. applies here also. Tokutake does not provide the missing structure in Kanemitsu, et al. Thus, Applicants believe Claim 3, as amended, patentably distinguishes over the art of record. Likewise, Claims 6, 9, 12, 15, 18, 21 and 28 which ultimately depend from Claim 3, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 4, it has also been amended similar to Claim 1 and is thus believed to distinguish over Kanemitsu. Likewise, Claims 7, 10, 13, 16, 19 and 22 which ultimately depend from Claim 4, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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